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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,905	12/14/2000	John Boreczky	FXPL-01009US0MCF/TAW	2658
23910	7590	06/21/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			LONSBERRY, HUNTER B	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/738,905

Applicant(s)

BORECZKY ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/7/05 have been fully considered but they are not persuasive.

Applicant argues that the claims as amended are now explicit that the images in look-x data stream are generated on the client side and not on the server side as in Yeo. Further support from the specification is provided at page 5, line 30-page 6, line 2, page 8, lines 16-25, figure 3, page 10, lines 3-6, 20-23. Because the Examiner has conceded that Yeo discloses generating images representing the location of the index on the server side, and the claims require generating comparable images on the client side, Yeo does not teach each limitation of the claimed invention. (Amendment pages 7-9).

Regarding Applicant's argument, the Examiner disagrees.

According to applicant's own specification, see page 10, lines 7-17, clearly states that the generated key frames originate from either the main video data stream, or from the look ahead/behind streams. Thus there is no *new* generation of video image data, but merely a selection for display of previously received key frame data from the main or secondary streams. This is the same as the system disclosed in Yeo.

Additionally, claims 1 and 15 are silent regarding a generation step, claim 10 requires "generating for display at least one look-x point to the corresponding at least one point in said data flow." This claim language does not require creation of an entirely

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new image from received data, but merely the manipulation of previously received data for display. Yeo clearly discloses this as noted in the previous office action. Newly added claim 16 does require a generation of keyframe step, and portions of Ceccarelli are relied upon for those claim limitations. Further the claims require generation of an index on the client side. Yeo's organizer 508, provides generation of the index, see column 4, lines 13-26, column 6, lines 6-18. An image with a timestamp does not constitute an index, however a plurality of images with corresponding timestamps would as Yeo clearly teaches (column 6, lines 6-18), thus the index is created on the client side, not the server side as argued by applicant.

Applicant argues that indexing does not occur on the client side but the server side, and that indexing happens once the index entry is created. Once a time stamp or similar device is associated with a temporal snapshot or keyframe the index is created. Yeo discloses the image generated by the server already has a timestamp associated with it prior to transmission and thus the server performs the indexing (pages 9-10).

Regarding applicants argument, the examiner disagrees. A single frame with a single timestamp does not constitute an index. It is the assembly of *multiple* displayed frames with corresponding timestamps, assembled on the client side in Yeo that constitutes an index, see column 6, lines 6-18, where Yeo provides a book analogy similar to the book analogy argued by applicant.

Applicant argues that the cited text in Yeo neither discloses nor teaches anything to suggest that the client control subsystem links the temporal snapshots to the video by creating pointers to the particular video source frames, see column 4, lines 4-9. As set forth above, Yeo teaches that the server side links the temporal snapshots with a time reference and thus links the temporal snapshots to the video. The cited text merely discloses the pathways by which the display application communicates with the client control sub-system and ultimately with the server (Amendment page 11).

Regarding applicants argument, in the present action, the Examiner relies upon different citations for teachings of an index as disclosed above, and below in the main body of the rejection. Further the Examiner agrees that time stamping does occur on the server side, however the index, that is the assembly of images with corresponding timestamps, occurs on the client side.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1-5, 10-13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Yeo (US Pat No. 6,711,741).

Regarding claim 1, Yeo discloses a method for providing client-side indexing and navigation of video data comprising the steps of:

opening a main connection 324 for a client-side device to receive transmissions of a data flow, wherein said data flow is not indexed (column 3, lines 48-50);

opening a second connection for the client side device to receive at least one look-x data stream 322 comprising a plurality of data from said data flow wherein said plurality of data is not indexed (column 3, lines 48-50, indexing is preformed via display organizer 508 located within user terminal 102, column 4, lines 13-26, column 6, lines 6-18),

indexing with the client side device at least one point of the look-x data stream to at least one corresponding point in said dataflow (organizer 508 creates the index locally from time stamped data for the corresponding temporal snapshots, column 4, lines 13-26, 43-58, column 5, line 56-column 6, line 18) , wherein said indexing step with the client-side device further comprises selecting at lease one look-x point for display to represent the at least one corresponding pointer in said data flow at a particular timeframe in the data flow (figures 6a/b, column 4, line 43-65), and

providing control of a playback position of said data flow based on the indexed points in the look-x data stream (figures 6a/b, column 4, line 43-65).

Regarding claims 2, 12, Yeo discloses displaying a timeline corresponding to the indexed look-x points, the timeline having at least one of said indexed look-xpoints displayed so as to reference a position on said timeline (figure 6a, position 602-610, each of which is at a corresponding time interval).

Regarding claims 3, 11, the claimed step of displaying at least one of a skip forward and a skip backward button configured to step a play position of the data flow to a position corresponding to a respective one of a next and a previous look-x data points relative to the current play position of the data flow is met by column 5, lines 1-3, wherein Yeo teaches the use of options within the media player 612 to step to the previous frame or the next frame, so as to allow the user to step through the playback sequence.

Regarding claim 4, Yeo discloses in figure 6a, a timeline corresponding to a number of look-xpoints with images representing each point (602-610), a user selects a point and the corresponding time is displayed (column 4, lines 59-64).

Regarding claim 5, Yeo discloses the flow being a video and look-x points being frames of the data flow and being retrieved from the main connection or the second connection (column 3, lines 48-50), source video frames 106 (the video) being sent on the main data path 324, and temporal snapshots (the look-x points/frames) being sent on a second data path 322.

Regarding claim 10, Yeo discloses a device 102 for client-side indexing comprising:

A video player 102 comprising:

a client side main data stream connection 324 for receiving transmissions of a non-indexed data flow (column 3, lines 48-50);

a client side look-x data stream connection 322 for receiving at leased one non-indexed look-x data transmission of the data flow (column 3, lines 48-50, indexing is preformed via display organizer 508 located within user terminal 102, column 4, lines 13-26, column 6, lines 6-18),

a client side controller adapted to index at least one point of the look-x data stream to at least one corresponding point in said dataflow by summarizing the look-X data stream (organizer 508 creates the index locally from time stamped data for the corresponding temporal snapshots, column 4, lines 13-26, 43-58, column 5, line 56-column 6, line 18) and generating for display the at least one look-x point to represent the at least one corresponding point in said data flow (figures 6a/b, column 4, line 43-65), and

a display 216 (figure 2, figure 6a) for displaying at least one of the indexed look-x data points.

With regards to claim 13, the claimed select button for providing a user the capability to select at least one of the indexed points enabling display of the data flow to



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begin and the selected indexed point is met by column 4, lines 52-58, wherein Yeo teaches the ability for a user to control the playback and select the source frames to view based on the temporal snapshots.

Regarding claim 15, Yeo discloses a method for client-side navigating and indexing comprising:

a client side main data stream connection 324 for receiving transmissions of a non-indexed data flow (column 3, lines 48-50);

a client side look-x data stream connection 322 for receiving at least one non-indexed look-x data transmission of the data flow (column 3, lines 48-50, indexing is preformed via display organizer 508 located within user terminal 102, column 4, lines 13-26, column 6, lines 6-18),

on the client side an index, the index comprising a least one look-x data point to at least one corresponding point in said dataflow (organizer 508 creates the index locally from time stamped data for the corresponding temporal snapshots, column 4, lines 13-26, 43-58, column 5, line 56-column 6, line 18) and,

providing control of a playback position of said data flow based on the indexed points in the look-x data stream (figures 6a/b, column 4, line 43-65).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-9 , 14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeo (US Pat. No. 6,711,741), cited by examiner, in view of Ceccarelli (US Pat. No. 6,222,532),

With regards to claims 6 and 14, Yeo teaches all of that which is discussed above with regards to claim 1. Yeo does not expressly disclose that the second connection is a low resolution connection relative to the main connection. Ceccarelli discloses a system in which the provider (or server) can label keyframes before transmission to the client, in order to allow the client easy access to the chosen keyframes (column 1, lines 18-27). While Ceccarelli does not specifically state the use of two connections to the server (one for main video and one for the keyframes), he does, however, make a realization that "video distortions in relatively smallish keyframes have been experienced as tolerable, [and that] if a particular keyframe is enlarged, extra measures should be taken for picture improvement" (column 2, lines 4-7). This indicates an inherent understanding that the keyframes are often times transmitted as lower resolution images and will need some processing in order to display them at higher resolution requirements. Therefore, it can be understood that the lower resolution keyframes could be used and downloaded over a second lower resolution connection (the connection taught by Yeo). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the low resolution

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connection, as described by Ceccarelli, into the system of Yeo, in order to allow for more bandwidth conservation and the ability for the user to download more information regarding the keyframes and look-x points and not take up massive amounts of bandwidth in the process.

With regards to claim 7, Yeo teaches all of that which is discussed above with regards to claim 1. Yeo does not expressly disclose any of the steps of selecting, displaying, or updating the indexed look-x points. Yeo simply discussed the TSG 300 (column 3, lines 18-50), which serves to select and send the temporal snapshots to the client. Ceccarelli goes into detail about how the keyframes are selected, displayed, and updated. The claimed step of selecting a predetermined number of indexed look-x points is met by Figure 5, which shows a display of nine keyframes for selection by a user. Nine keyframes is more or less just a suggestion and could presumably be modified to select any number of keyframes as predetermined by the system. The claimed step of displaying the predetermined number of indexed points to provide reference for a playback control mechanism is met by Figure 5 again, which shows the typical display to the user with nine keyframes being selectable and referencing different portions within the video to allow for playback control. The claimed step of updating the selected predetermined number of index look-x points based on an update criteria is met by column 4, line 67 – column 5, line 3, wherein Ceccarelli teaches that the display is updated as the video progresses. The update criteria are based upon a distance from the current position. At the time of the invention, it would have been obvious to

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one of ordinary skill in the art to include the selecting, displaying, and updating steps as taught by Ceccarelli into the system as taught by Yeo, in order to allow the user to see pertinent keyframes and allow them to view keyframes in the near future and recent past.

With regards to claim 8, Yeo and Ceccarelli teach all of that which is discussed above with regards to claims 1 and 7. Yeo does not expressly disclose any step of selecting a predetermined number of look-x points such that each of the look-x points is within a predetermined distance of a first play position of the data flow. Ceccarelli inherently teaches that the number of keyframes on the display fall within a predetermined distance of the play position of the video. It is disclosed on column 4, lines 53-58, that the keyframes are located within seconds of each other, with the center keyframe being the currently displayed video segment. Therefore, Ceccarelli inherently shows that the keyframes that are currently displayed are within a predetermined time, and therefore distance of the play position. At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the inherent teachings of Ceccarelli, as discussed here, with the system as taught by Yeo, in order to allow the user to see pertinent keyframes and allow them to view keyframes in the near future and recent past.

With regards to claim 9, Yeo and Ceccarelli teach all of that which is discussed above with regards to claims 1 and 7. Yeo does not expressly disclose that the aforementioned update criteria comprise a change of the playback position a predetermined amount from the first play position during the selection step. Ceccarelli

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discloses a way of updating the keyframes (column 4, line 67 – column 5, line 3) and the idea of having the currently viewed video segment and its related keyframe in the center and past and future keyframes to the left and right, respectively. In other words, Ceccarelli discloses a dynamic display, which updates according to the currently viewed video segment. At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the updating criteria of Ceccarelli with the system of Yeo, in order to allow for a dynamically updated display of pertinent keyframes in the near future and recent past.

Regarding claim 16, Yeo discloses a method for client-side navigating and indexing comprising:

Opening a client side main data stream connection 324 to receive a main video stream (column 3, lines 48-50);

Opening at least another a client side connection 322 to receiving at least one look-x data stream of the main video stream (column 3, lines 48-50, indexing is preformed via display organizer 508 located within user terminal 102, column 4, lines 13-26, column 6, lines 6-18),

on the client side an index, the index comprising a least one look-x data point to at least one corresponding point in said dataflow (organizer 508 creates the index locally from time stamped data for the corresponding temporal snapshots, column 4, lines 13-26, 43-58, column 5, line 56-column 6, line 18) and,

providing control of a playback position of said data flow based on the indexed points in the look-x data stream (figures 6a/b, column 4, line 43-65).

Yeo fails to disclose generating at least one key frame on the client side, display of a keyframe, and updating the generating and displaying steps to keep pace with a general speed of playback of the main video data stream.

. Ceccarelli goes into detail about how the keyframes are selected, displayed, and updated. The claimed step of selecting a predetermined number of indexed look-x points is met by Figure 5, which shows a display of nine keyframes for selection by a user. Nine keyframes is more or less just a suggestion and could presumably be modified to select any number of keyframes as predetermined by the system. The claimed step of displaying the predetermined number of indexed points to provide reference for a playback control mechanism is met by Figure 5 again, which shows the typical display to the user with nine keyframes being selectable and referencing different portions within the video to allow for playback control. The claimed step of updating the selected predetermined number of index look-x points based on an update criteria is met by column 4, line 67 – column 5, line 3, wherein Ceccarelli teaches that the display is updated as the video progresses. The update criteria are based upon a distance from the current position.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to include the selecting, displaying, and updating steps as taught by Ceccarelli into the system as taught by Yeo, in order to allow the user to see pertinent keyframes and allow them to view keyframes in the near future and recent past.

Regarding claim 17, Ceccarelli is relied upon to teach updating continuously (column 4, line 67 – column 5, line 3).

Regarding claim 18, Yeo is relied upon to teach the use of a look-x data stream. Ceccarelli shows in figure 6 a number of key frames, which are for forwards, and reverse of the current playback position. Ceccarelli is further relied upon to teach transmitting new updates (column 4, line 67 – column 5, line 3) and low resolution moving snaps near the current playback position of the main video stream (figures 5-6, column 2, lines 4-7). See the discussion with respect to claims 6/14.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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HBL

  
Patent Examiner  
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